

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS:	Wood, F.	CONFIRMATION NO.:	8540
APPLICATION NO.:	10/068,299	GROUP NO.:	1651
FILING DATE:	02/06/2002	EXAMINER :	Barnhart, Lora E
TITLE:	CELL SUSPENSION PREPARATION TECHNIQUE AND DEVICE		

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INTERVIEW SUMMARY PURSUANT TO 37 C.F.R. § 1.133(b)**

In accordance with the requirements of MPEP 713.04, the Applicants submit the following Interview Summary in connection with the in-person interview which occurred on June 30, 2010 with Examiner Barnhart. Applicants believe no fees are due with this filing. In the event that fees are due, the Commissioner is hereby authorized to charge them to Attorney's Deposit Account No. 50-2678. Applicants respectfully request entry of this Interview Summary, in which:

**Remarks** begin on page 2.

## REMARKS

Applicants thank the Examiner for her time and consideration during the in-person interview of June 30, 2010 between the Examiner, Dr. William Dolphin, and the undersigned attorney. Applicants note that the Examiner mailed an Interview Summary (PTOL-413) on July 1, 2010. As required by MPEP § 713.04, Applicants respectfully supplement the Examiner's summary with the information provided below.

(A) *A brief description of the nature of any exhibit shown or any demonstration conducted:*

During the interview, Dr. Dolphin showed a slide presentation demonstrating the effects of the cell composition of the invention in use on patients.

(B) *Identification of the claims discussed:*

Independent claims 29 and 61 were discussed generally during the interview.

(C) *Identification of specific prior art discussed:*

During the interview, certain aspects of Noel-Hudson et al., *In Vitro Cell and Developmental Biology - Animal* 31:508-515 (1993) ("Noel-Hudson"); and Hirobe, *Journal of Experimental Zoology* 257: 184-194 (1991) ("Hirobe 1991") were discussed.

(D) *Identification of the principal proposed amendments of a substantive nature discussed:*

No proposed amendments were discussed.

(E) *The general thrust of the principal arguments of the Applicant and the Examiner should also be identified:*

The general argument put forth by Applicants was that the prior art does not anticipate the Applicants' claimed invention because the prior art fails to teach a cell suspension produced from a skin tissue sample comprising the dermis, epidermis, and a dermal-epidermal junction therebetween; wherein the cell suspension is free of cellular congregates greater than 200  $\mu\text{m}$ ; and wherein the cell suspension has a cell population that is comparable, as in having the same cellular makeup in cell types and relative representation, to the cell population of the tissue sample obtained from the dermis, epidermis, and dermal-epidermal junction and comprises keratinocyte basal cells, melanocytes and fibroblasts. As pointed out by Applicants, both Noel-

Hudson and Hirobe 1991 disclose cell suspensions produced from an epidermal layer alone after it has been separated from a tissue sample that originally included a dermal layer. Neither reference discloses a cell suspension that has a cell population that is comparable to a tissue sample comprising the dermis, epidermis, and a dermal-epidermal junction therebetween; neither reference discloses a cell suspension that has a cell population comprising keratinocyte basal cells and melanocytes from the epidermis, and fibroblasts from the dermis; and neither reference discloses a cell suspension that is free of cellular congregates greater than 200  $\mu$ M. As best understood by the Applicants, the Examiner's argument was that she felt that she could find prior art that discloses the elements of Applicants' claimed invention, viz., a cell suspension produced from a skin tissue sample comprising the dermis, epidermis, and a dermal-epidermal junction therebetween.

(F) A general indication of any other pertinent matters discussed:

No other pertinent matters were discussed.

(G) If appropriate, the general results or outcome of the interview:

Examiner Barnhart stated that she wished to do additional searching.

(H) In the case of an interview via electronic mail, a paper copy of the Internet e-mail contents MUST be made and placed in the patent application file as required by the Federal Records Act in the same manner as an Examiner Interview Summary Form, PTOL 413, is entered:

Not applicable.

Applicants respectfully request entry of this paper in the record pursuant to 37 C.F.R. §§ 1.2 and 1.133 and MPEP § 713.04.

Respectfully submitted,

/Jennifer A. Camacho, Reg. No. 43,526/

Date: July 28, 2010

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